

KEVIN G. HORBATIUK (KGH-4977)  
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RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**  
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**21 MC 103 (AKH)**

**JACQUELINE PEREZ,**

**DOCKET NO:  
07 CV 8284**

**Plaintiff,**

**-against-**

**7 WORLD TRADE COMPANY, L.P., A RUSSO  
WRECKING, INC., ABM INDUSTRIES INC.,  
ABM JANITORIAL NORTHEAST, INC., AMEC  
MANAGEMENT, INC., AMEC EARTH  
ENVIRONMENTAL, INC., ANTHONY CORTESE  
SPECIALIZED HAULING LLC., ATLANTIC  
HEYDT CORP., BECHTEL ASSOCIATES PROFESSIONAL  
CORPORATION; BECHTEL CONSTRUCTION, INC.,  
BECHTEL CORPORATION; BECHTEL ENVIRONMENTAL  
INC., BERKEL & COMPANY, CONTRACTORS,  
INC., BIG APPLE WRECKING & CONSTRUCTION CORP.,  
BOVIS LEND LEASE LMB, INC., BREEZE CARTING  
CORP., BREEZE NATIONAL INC., BRER-FOUR  
TRANSPORTATION CORP., BURO HAPPOLD  
CONSULTING ENGINEERS, P.C., C.B. CONTRACTING  
CORP., CANRON CONSTRUCTION COP., CORD  
CONTRACTING CO., INC., DAKOTA DEMO TECH;  
DIAMOND POINT EXCAVATING CORP., DIEGO  
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,  
DMT ENTERPRISE, INC., D'ONOFRIO GENERAL  
CONTRACTORS CORP., EAGLE LEASING &  
INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING**

**NOTICE OF  
ADOPTION OF  
ANSWER TO  
MASTER COMPLAINT**

CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C, FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEL, MANAFORT BROTHERS INCORPORATED; MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER RUTLEDGE CONSULTING ENGINEERS, INC., NACIREMA INDUSTRIES INCORPORATED; NEW YORK CRANE & EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., PINNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PLAZA CONSTRUCTION CORP., PRO SAFETY SERVICES, LLC.; PT & L CONTRACTING CORP., ROBERT SILMAN ASSOCIATES, ROBERT L. GEROSA, INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILERITE CONTRACTING CORPORATION; SIMPSON GUMPERTZ & HEDGER, INC., SKIDMORE, OWING & MERRILL LLP; SURVIVAIR, TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; THORTON-TOMASETTI, GROUP, INC., TORRETTA TRUCKING, INC., TOTAL SAFETY CONSULTING, LLC., TUCCI EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE); VOLLMER ASSOCIATES LLP., WEEKS MARINE INC.,

**WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS,  
P.C., WHITNEY CONTRACTING INC., WOLKOW-BRAKER  
ROOKING CORP., WORLD TRADE CENTER PROPERTIES, LLC.,  
WSP CANTOR SEINUK, YANUZZI & SONS, INC., YONKERS  
CONTRACTING COMPANY, INC., YORK  
HUNTER CONSTRUCTION, LLC., ZIEGENFUSS  
DRILLING, INC.,**

**OFF SITE:**

**100 CHURCH, LLC, ABATEMENT PROFESSIONALS,  
ABSCOPE ENVIRONMENTAL, INC., ALAN KASMAN DBA  
KASCO, AMBIENT GROUP, INC., ANN TAYLOR STORES  
CORPORATION, APPLIED ENVIRONMENTAL INC.,  
BANKERS TRUST COMPANY, BANKERS TRUST  
CORP., BANKERS TRUST NEW YORK CORPORATION,  
BATTERY PARK CITY AUTHORITY,  
BLACKMON-MOORING-STEAMATIC CATOSTOPHE,  
D/B/A/ BMS CAT, BOARD OF EDUCATION  
OF THE CITY OF NEW YORK, BRISTOL  
ENVIRONMENTAL, INC., BROOKFIELD  
FINANCIAL PROPERTIES, INC.,  
BROOKFIELD FINANCIAL PARTNERS, L.P.,  
BROOKFIELD PARTNERS, LP., BROOKFIELD  
PROPERTIES, CORPORATION, BT PRIVATE  
CLIENTS CORP., CATAMOUNT ENVIRONMENTAL,  
INC., CDL NEW YORK LLC CLAYTON ENVIRONMENTAL  
CONSULTANTS, COMPREHENSIVE ENVIRONMENTAL  
SERVICE CO., CONTAMINANT CONTROL, INC., COVINO  
ENVIRONMENTAL ASSOCIATES, INC.,  
CRITERION LABORATORIES, INC.,  
CUNNINGHAM DUCT CLEANING CO., INC.,  
DARLING ASBESTOS DISPOSAL COMPANY  
INC., DEPARTMENT OF BUSINESS SERVICES  
DEUTSCHE BANK TRUST COMPANY AMERICAS,  
DEUTSCHE BANK TRUST CORPORATION,  
DIVERSIDED ENVIRONMENTAL CORPORATION,  
DYNASERV INDUSTRIES, INC., ENVIRONMENTAL  
PRODUCT AND SERVICES, INC., ENVIRONMENTAL  
SERVICES AND TECHNOLOGIES, INC.,  
ENVIRONMENTAL TESTING, INC., ENVIROSERVE  
INC., ENVIROTECH CLEAN AIR, INC.,  
GPS ENVIRONMENTAL CONSULTANTS, INC.,  
HILLMAN ENVIRONMENTAL GROUP, LLC.,  
INDOOR ENVIRONMENTAL TECHNOLOGY,**

**JONES LANG LASALLE AMERICAS, INC., JONES  
LAND LASALLE, KASCO RESTORATIONS SERVICES  
CO., LAW ENGINEERING, P.C., LVI  
ENVIRONMENTAL SERVICES, INC., LVI SERVICES,  
INC., MARCOR REMEDIATION INC.,  
MERRILL LYNCH & CO., INC., MILRO  
ASSOCIATES, INC., NOMURA HOLDING  
AMERICA, INC., NOMURA SECURITIES  
INTERNATIONAL, INC., NORWICH LABORATORIES,  
PAR ENVIRONMENTAL CORPORATION,  
PINNACLE ENVIRONMENTAL CORPORATION,  
POTOMAC ABATEMENT INC., ROYAL  
ENVIRONMENTAL INC., SENCAM, INC.,  
SPECIALTY SERVICE CONTRACTING INC.,  
STRUCTURE TONE GLOBAL SERVICES, INC.,  
SYSKA AND HENNESSY, TELLABS OPERATIONS,  
INC., THE BANK OF NEW YORK TRUST  
COMPANY NA, THE TRC ENGINEERS INC.,  
TRIBECA LANDING LLC., TTI ENVIRONMENTAL  
SERVICES, INC., TULLY CONSTRUCTION CO., INC.,  
TULLY INDUSTRIES, INC., VERIZON NEW YORK, INC.,  
WESTON SOLUTIONS, INC., WFP TOWER B CO. G.P.  
CORP., WFP TOWER B HOLDING CO., L.P.  
WFP TOWER B. CO., L.P., WILLIAM F.  
COLLINS, ARCHITECT and ZAR REALTY  
MANAGEMENT CORP., ET AL.**

**Defendants.**

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**PLEASE TAKE NOTICE**, that defendant **CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
August 29, 2008

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Kevin G. Horbatiuk (KGH4977)  
Matthew P. Mazzola (MPM7427)  
Attorneys for Defendant  
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**RK&T File No. 824.078**

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**JACQUELINE PEREZ**  
115 Broadway 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 29<sup>th</sup> day of August, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff

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**KEVIN G. HORBATIUK**